

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 4:13-cr-298 JCH
)	
ELIZABETH EARNEST,)	
)	
Defendant.)	

FIRST MOTION TO CONTINUE SENTENCING

COMES NOW Defendant, Elizabeth Earnest, by and through counsel, and hereby moves this Court to continue the sentencing presently scheduled for October 4, 2013 to the week of January 6 or January 13, 2014. In support of this motion, Defendant states as follows:

1. Defendant is 62 years old.
2. On September 23, 2013, Defendant underwent a scheduled right, first metatarsophalangeal joint arthodesis, i.e., right foot joint fusion surgery.
3. Defendant's post-operative care requires her to wear a cast for approximately six weeks. See PSR at ¶50.
4. In addition, Defendant's surgeon estimates a total recovery time of approximately three months. See id.
5. Accordingly, Defendant files the instant motion to obtain the time need to recover from surgery prior to sentencing and her expected surrender to the Federal Bureau of Prisons.
6. Defendant, through counsel, has discussed this matter with assistant United States attorney John Bodenhausen. Mr. Bodenhausen does not object to Defendant's request.

WHEREFORE, Defendant respectfully requests this Honorable Court continue the sentencing presently scheduled for October 4, 2013 to the week of January 6 or January 13, 2014.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

By: /S/ Adam D. Fein
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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2013, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Mr. John Bodenhausen, assistant United States attorney.